

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

LINDA STANGER and,)
RICHARD STANGER)
Plaintiffs,)
vs.) Case No. 4:04CV839 HEA
SMITH & NEPHEW, INC., et al.,)
Defendants.)

MEMORANDUM AND ORDER

This matter is before the Court on plaintiffs' Motion to Compel defendant Smith & Nephew to Answer Interrogatories and Produce Documents, [Doc. # 60]. Defendant opposes the motion and the issues are fully briefed. For the reasons set forth below, the motion is granted.

Plaintiffs seek documents from defendant which deal with defendant's business in foreign markets. Defendant objects to production because these documents deal with its business in foreign countries; defendant argues that they are irrelevant to this matter and will tend to confuse the jury as to certain regulatory requirements in this country. Under the Federal Rules of Civil Procedure, parties may obtain discovery which is reasonably calculated to lead to discovery of admissible evidence. Fed.R.Civ.P. Rule 26(b)(1). These documents are not required to be admissible into evidence, rather, the parties are allowed to the

discovery of information which may lead to admissible evidence. The mere fact that something is produced does not *a fortiori* establish its admissibility.

Accordingly,

IT IS HEREBY ORDERED that plaintiffs' Motion to Compel, [Doc. 60], is granted.

IT IS FURTHER ORDERED that defendant Smith & Nephew shall produce the requested documents within 5 days from the date of this Order.

Dated this 19th day of September, 2005.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE